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December 7, 2012

VIA U.S. MAIL & E-MAIL

Alec Wong, P.E., Chief
Hawaii Department of Health
Clean Water Branch
919 Ala Moana Blvd., Rm 301
Honolulu, HI 96814

**RE: National Pollutant Discharge Elimination System (NPDES)
Notice of General Permit Coverage (NGPC), File No. HI R50A533
Response to Comments on Revised Stormwater Pollution Control Plan
Waimanalo Gulch Sanitary Landfill (WGSL), Kapolei, Hawaii**

Dear Mr. Wong:

Waste Management of Hawaii, Inc. ("WMH") is in receipt of the October 30, 2012 Hawaii Department of Health ("DOH"), Clean Water Branch, comments to WMH's draft Storm Water Pollution Control Plan ("SWPCP"), submitted on behalf of the City & County of Honolulu (CCH), required as a condition of their Notice of General Permit Coverage ("NGPC"), File No. HI R50A533 for the Waimanalo Gulch Sanitary Landfill ("WGSL"), under the National Pollutants Discharge Elimination System ("NPDES") program implemented by the State of Hawaii pursuant to its state authority under the Clean Water Act ("CWA"). DOH's letter required WMH to respond to DOH's comments within twenty calendar days (i.e., by November 19, 2012). On November 15, 2012, WMH requested an extension of this initial due date. WMH appreciates DOH's approval – as granted in your letter dated November 23, 2012 – of WMH's request to extend the deadline until December 7, 2012 to for submitting a response to DOH's comments.

While DOH included several "General Comments" about the SWPCP, WMH is responding primarily to the "Specific Comments" identified. WMH believes that the proposed changes or clarifications relating to the Specific Comments will address most of DOH's General Comments. For several General Comments that are not specifically addressed by WMH's responses to the Specific Comments, WMH has provided responses below.

Please note, in an effort to clarify and simplify the SWPCP, WMH has removed sections from the SWPCP that are not required by DOH or the CWA. Below are WMH's responses to each of DOH's specific comments, along with the text of each comment. WMH would welcome the opportunity to meet with DOH's Clean Water Branch to discuss these responses and questions or clarification that would further assist DOH in its review of our SWPCP, prior to WMH revising the

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SWPCP. Please let me know if agree that a meeting would be helpful and I will make the necessary scheduling arrangements with DOH Clean Water Branch prior to completing a revised SWPCP.

GENERAL COMMENTS

General Comment 10. The Storm Water Monitoring and Reporting Program Plan included as Appendix B does not incorporate the provisions of the Interim/Supplemental Storm Water Monitoring Plan pursuant to EPA Order CWA-309(A)-12-003. A final Storm Water Monitoring and Reporting Program Plan must be provided for DOH review and comment which at a minimum includes the provisions found in the Interim/Supplemental Storm Water Monitoring and Reporting Plan pursuant to EPA Order CWA-309(A)-12-003.

WMH Response: WMH prepared the *Interim/Supplemental Storm Water Monitoring Plan* (Sep. 2012) (“Interim Plan”) in response to EPA’s Finding of Violation and Order, Docket No. CWA-309(a)-12-003. As it states, the Interim Plan is intended to supplement the current Storm Water Monitoring and Reporting Program Plan (SWMRPP) dated April 2011. Since the Interim Plan is required by EPA’s Order, and not required by DOH’s NGPC, WMH has not included it as an element of the NGPC. WMH is however willing to discuss whether any elements of the Interim Plan should be added into its revisions to the SWMRPP.

General Comment 11. The number of days and quality of discharge from the WGS� storm water drainage system must be reported. The permittee is required to report any discharge which does not meet the basic water quality criteria set forth in Hawaii Administrative Rule 11-54. The SWPCP must detail how all discharges from WGS� which do not comply with the NGPC will be documented and reported.

WMH Response: HAR Chapter 11-55, Appendix B, Section 10 sets forth the reporting requirements for the NGCP, including reporting of monitoring results (Section 10(a)), reporting of additional monitoring results (Section 10(b)), reporting of noncompliance, unanticipated bypass, or upset (Section 10(c)), and planned changes to WGS� (Section 10(d)). Section 11 sets forth requirements for submitting the required reports. WMH will revise Section 5 of the SWPCP to describe these reporting requirements. WMH is not aware of the requirement mentioned in Comment #11 to report the number of days and quality of discharge from the WGS� storm water drainage system, but will review any information that DOH can provide as to this requirement.

I. SPECIFIC COMMENTS

Comment 1. Executive Summary-Paragraph 3 does not list other SWPCP requirements such as:

- a. Reporting requirements*
- b. Definitions for allowable discharges*
- c. Definitions and descriptions of specific BMP implementation*

WMH Response: WMH included the Executive Summary in its SWPCP to assist the reader in understanding, in summary form, the overall purpose and structure of the SWPCP. As with any summary, a number of details are necessarily omitted; this appeared to prompt your comment.

Since an executive summary is not a required element of a SWPCP, WMH will delete the Executive Summary. The information that DOH identified as missing is, however, included in the plan itself. The reporting requirements will be included in Section 5, the definitions of "allowable discharges" will be included in Section 3, and the definitions and descriptions of specific BMP implementation will be included in Section 4.

Comment 2. Executive Summary - Paragraph 4 does not clearly define that storm water will be controlled via implementation of specific BMPs and isolation from prohibited discharges.

WMH Response: As discussed in WMH's response to Comment #1 above, WMH will delete the Executive Summary. Section 4 of the SWPCP will describe how storm water will be controlled via implementation of specific BMPs and will not commingle with prohibited discharges.

Comment 3. Executive Summary - Paragraph 7 must state that unauthorized discharges will be eliminated and prohibited, not "evaluated."

WMH Response: As discussed in WMH's response to Comment #1 above, WMH will delete the Executive Summary. Section 3 of the SWPCP will describe how unauthorized discharges will be identified and eliminated.

Comment 4. Executive Summary - Paragraph 9 uses vague language such as "as often as needed" and, "the need for additional pollution control measures will be assessed." The lack of definitive metrics for evaluations and decision-making renders the statement irrelevant. The SWPCP is a management document used to implement BMPs and guide decision-making to insure compliance with the issued NPDES permit. All statements in a SWPCP must be clear, factual and implementable.

WMH Response: As discussed in WMH's response to Comment #1 above, WMH will delete the Executive Summary. WMH believes that the elimination of this section will address DOH's concern about vague and irrelevant statements.

Comment 5. Section 1.0- Paragraph 2: Copies of Hawaii Administrative Rule (HAR) 11-55 Appendix A and HAR 11-55 Appendix B must be added to the document.

WMH Response: WMH is not aware of any requirement to include these attachments in the SWPCP; however, WMH will include language in Section 1.2 Regulatory Background, indicating that a copy of the Hawaii Administrative Rule (HAR) 11-55 Appendix A and HAR 11-55 Appendix B will be included in an appendix, which will be added to the SWPCP.

Comment 6. Section 1.1- Paragraph 2, Bullet Point 2. The purpose of the SWPCP is not to "identify appropriate" BMPs but to identify all potential storm water pollution sources, define implementation of BMPs to prevent discharges from WGS in violation of State of Hawaii law, to insure compliance with the issued NGPC.

WMH Response: Since applicable regulations do not require that the SWPCP include a section describing the purpose of the SWPCP, WMH will delete Section 1.1 and renumber the SWPCP accordingly.

Comment 7. Section 1.1 - Paragraph 3, Bullet Point 1 must include reference to issued NGPC, File No. HI R50A533 and HAR 11-55 Appendices A and B.

WMH Response: WMH is not aware of any requirement to include this attachment in the SWPCP; however, WMH will include language in Section 1.2 Regulatory Background, indicating a copy of the NGPC File No. HI R50A533 will be included in an attached appendix. As already provided in response to Comment 5, a copy of the Hawaii Administrative Rule (HAR) 11-55 Appendix A and HAR 11-55 Appendix B will be included in an appendix, which will be added to the SWPCP.

Comment 8. Section 1.1-Paragraph 3, Bullet Point 2 uses vague and ambiguous language in stating that the purpose of the SWMRPP is to, "Evaluate materials management... 'As needed, to meet changing conditions.'" The purpose of effluent sampling is for WGSL to demonstrate compliance or non-compliance with the issued NPDES permit and associated NGPC effluent limits.

WMH Response: As discussed in WMH's response to Comment #6 above, WMH will delete Section 1.1, thereby eliminating any vague and ambiguous language.

Comment 9. Section 1.2- Paragraph 2 must clearly define what are allowable discharges. This section must demonstrate that WMH clearly understands what discharges are authorized by the issued NGPC.

WMH Response: WGSL storm water discharges are intended to be composed entirely of storm water runoff associated with industrial activity as defined in 40 CFR section 122.26(b) and comply with the basic water quality criteria applicable to all waters of the state as defined in HAR Chapter 11-54-4, which states the storm water discharge shall not adversely impact human health or the environment or cause or contribute to a violation of applicable water quality standards. The SWPCP for the WGSL is developed to meet the State and Federal requirements to prevent and minimize impacts from the operation of the landfill to the storm water quality. Further, discharges of material other than storm water, which are not otherwise regulated by a NPDES permit, to a storm water system or waters of the US are prohibited. The SWPCP identifies potential nonstormwater sources and describes BMPs put in place to prevent any nonstormwater discharge from the facility. Nonstormwater discharges are discussed in section 3.0 of the plan. Paragraph 2 will be replaced with the following: Discharges covered by the General Permit include only storm water associated with industrial activity and shall not include material other than storm water to a storm water system or water of the U.S.

Comment 10. Section 1.2- Paragraph 3 must include the HAR 11-54-4 language and not by reference. This document must be a stand-alone document and not a recitation of references.

WMH Response: Paragraph 3 will be revised to cite to HAR 11-54-4 and include verbatim the receiving water limitations in HAR 11-54-4(a)(1)-(6), as follows:

All waters shall be free of substances attributable to domestic, industrial, or other controllable sources of pollutants, including:

- (1) Materials that will settle to form objectionable sludge or bottom deposits;
- (2) Floating debris, oil, grease, scum, or other floating materials;

- (3) Substances in amounts sufficient to produce taste in the water or detectable off-flavor in the flesh of fish, or in amounts sufficient to produce objectionable color, turbidity or other conditions in the receiving waters;
- (4) High or low temperatures; biocides; pathogenic organisms; toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant, or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water;
- (5) Substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life; and
- (6) Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works; highways; subdivisions; recreational, commercial, or industrial developments; or the cultivation and management of agricultural lands.

Comment 11. Section 1.2- Must add a clear list of prohibited discharges.

WMH Response: As discussed in WMH's response to Comment #10 above, WMH will insert the list in HAR 11-54-4(a)(1)-(6), which WMH believes will address this comment.

Comment 12. Section 1.2 - Paragraph 4 must add language stating that all changes/revisions of the SWPCP will be sent to the DOH-CWB for comment and authorization as soon as such changes arise.

WMH Response: WMH will revise paragraph 4 in Section 1.2 to indicate that WMH will notify DOH of changes or revisions to the SWPCP in accordance with HAR Chapter 11-55, Appendix B, Section 6(d) as indicated by the following underlined insertion:

The SWPCP for the WGS� is a complete and comprehensive compliance document, developed to meet the State and Federal requirements described above. The SWPCP is intended to be a "living document." It will be updated as additional information becomes available regarding operation, maintenance, or construction of new facilities that may affect the discharge of significant quantities of pollutants to surface water, groundwater, or storm water systems; records of routine maintenance activities and significant spills; and changes to the Storm Water Pollution Control Team. Revisions or changes to the SWPCP will be reported to DOH as required by HAR Chapter 11-55, Appendix B, Section 6(d). Due to the dynamic nature of solid waste landfill operations, onsite drainage measures and BMPs will be evaluated to verify adequacy on a routine basis. If additional measures appear necessary, appropriate BMPs will be identified and included in a revised SWPCP. This SWPCP is organized as follows:

In addition, WMH will revise Section 5.2.1 "Documentation of Revisions" to read as follows:

As required by HAR Chapter 11-55, Appendix B, Section 6(d), WMH will review and update the storm water pollution control plan as often as needed to comply with the conditions of the general permit or conditions of the notice of general permit coverage, whichever is more stringent, or as required by the director. WMH will document and

report any changes to the storm water pollution control plan to the director within thirty days of when the changes arise. WMH will retain the SWPCP and all accompanying records, reports, and changes, for a period of at least five years after the expiration of the general permit unless it is extended during the course of litigation or administrative enforcement action or when requested by the Director. Examples of SWPCP updates include changes in team members, additions or removal of structural BMPs, addition of sampling parameters and commencement of new activities. Other minor changes will be made during annual plan review.

Comment 13. Section 2.3.3 - "Other" section of types and quantities of solid waste must be specifically defined and not accounted for by reference of the solid waste permit.

WMH Response: Under its Solid Waste Permit, WGSL is permitted to receive "solid wastes" as defined in HAR 11-58.1-03, which includes "industrial solid wastes" that are managed under special operating procedures. These "industrial solid wastes" are defined in HAR 11-58.1-03. The types and quantities of these industrial solid wastes that WGSL will receive in the future will vary depending on numerous factors, including generator demand, industrial activities, cleanup activities, recycling, and other disposal alternatives. WMH will therefore revise Section 2.3.3 to incorporate the definition of nonhazardous industrial waste as follows:

"Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under subtitle C of RCRA. The waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing or foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste."

Comment 14. Section 2.5- Vague and ambiguous language such as "substantially completed" and "approved expansion area" without clarification of clear referencing to physical features on Figures 2-4A to 2-4C must be clarified and detailed.

WMH Response: WMH remove the ambiguity by revising Section 2.5 as follows:

"The Western Bypass Drainage System has been completed."

The Western Bypass System routes run-on from up-canyon sources around the landfill to the Stilling Basin. Figure 2-4A-C will be updated to reflect the current constructed features. Additionally a figure will be added to illustrate the approved drainage system, which includes future drainage features. Details of key components will be added to the figure.

Comment 15. Section 2.6 - Paragraph 2 needs clear diagramming within the attached Figures 2-4A to 2-4C. "Active landfill" must be defined and clearly delineated on the attached "Figures 2-4A to 2-4C.

WMH Response: WMH will update the site map to include the outline of drainage areas, paved areas, outdoor material and waste storage areas (petroleum, leachate, condensate, etc.), and industrial activities (active disposal, material laydown areas, current and future cell construction areas, soil stockpiles, maintenance areas, fueling areas).

Comment 16. Section 2.6- Paragraph 6 references a separate Surface Water Management Plan. The SWPCP must be a stand-alone document that does not reference secondary documents. If there is pertinent information in other documents, directly include that information in the SWPCP.

WMH Response: WMH will revise Section 2.6 to better describe the current structural drainage and erosion control features and best management practices (BMPs). Reference to the Surface Water Management Plan ("SWMP") will be deleted and the pertinent sections and drawings included in the SWMP will be added to this section.

Comment 17. Section 2.6.1- Paragraph 1 is inaccurate and fails to describe the sampling locations and discharge points.

WMH Response: WMH believes that Section 2.6.1 accurately describes WGSL's sampling locations and discharge points. The SWPCP describes the sampling locations and discharge points and identifies them on the associated Figure 2-4A. In a letter dated July 23, 2012, DOH approved a modification to the previously authorized sampling location (the culvert at Farrington Highway) to a discharge location located between the landfill's South Detention Basin and the Western Bypass System's "flip bucket." WMH will however revise Section 2.6.1 to clarify the sample location and discharge points as follows:

"Storm water regulations require that storm water samples be collected from discharge points that drain industrial sites. Discharge points that drain only non-industrial areas (e.g., personnel parking lots or administrative buildings) need not be sampled, as long as there is no potential for storm water to come in contact with industrial processes or significant materials. The General Permit states that where two or more discharge points are expected to convey substantially similar storm water effluent, the facility may choose to monitor as few as one of those discharge points, provided that the discharge(s) monitored are representative of the overall storm water discharges from the facility.

Prior to July 2012, WGSL's approved storm water monitoring station (designated as "Culvert Inlet") was located at the inlet to the highway culvert at the property boundary fronting on Farrington Highway. The Culvert Inlet sampling point represents the property boundary at the WGSL (see Figure 2-4).

The storm water sampling compliance points under the NGPC permit (File No. HI R50A533) are the South Detention Basin outlet pipes designated as "WGSL-DB01E" and "WGSL-DB01W" (Figure 2-4A). Storm water samples will be collected from weirs at either pipe depending on flow. In this manner, the samples collected is the actual discharges of storm water from the active landfill areas and exclude upcanyon bypassed storm water. The DOH letter is provided in Appendix E."

Comment 18. Section 2.6.1- Paragraph 2 is misleading and does not define how samples from these locations will be representative of the discharges from the WGSL.

WMH Response: WMH will revise Section 2.6.1, as described in Comment 17. WMH believes it is clear that by sampling the sedimentation basin outfall it is collecting the actual stormwater discharge from areas of the facility with industrial activities.

Comment 19. Section 2.6.1- Paragraph 4 is ambiguous and provides no context. It is unclear what Paragraph 4 is describing.

WMH Response: WMH will delete paragraph 4.

Comment 20. Section 2.6.2- Paragraph 1 has ambiguous language such as “should prevent discharge of pollutants to U.S. waters.” Language used must be definitive and implementable.

WMH Response: WMH will delete Section 2.6.2.

Comment 21. Section 2.6.2- Paragraph 2 references another document. SWPCP must not reference other documents.

WMH Response: WMH is unaware of any requirement that prohibits a SWPCP from referencing other documents and must therefore respectfully disagree with DOH’s comment. WMH believes that it is appropriate – indeed important – to reference and attach the Spill Prevention, Control and Countermeasure Plan. Indeed, cross-referencing other plans is common practice and even recommended by EPA’s guidance document for preparing storm water plans:

“Where your facility has other written procedures in place, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS) developed for a National Environmental Performance Track facility, your SWPPP can reference the portions of those documents in lieu of duplicating that information in your SWPPP. In these instances, you should keep copies of the relevant portions of those documents with your SWPPP.” EPA, *Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators*, EPA 833-8-09-002 (Feb. 2009).

WMH will include a copy of the SPCC plan as an attachment to the SWPCP.

Comment 22. Figures 2-3 to 2-4C does not: indicate where construction is actively occurring, indicate where there is machinery and laydown, indicate where there are slopes, indicate where there drainage swales, indicate where there is intermediate cover, indicate where there is final cover, indicate where final grade is achieved, indicate where erosion control BMPs are implemented, indicated where sediment control BMPs are located, indicate any treatment BMPs, indicate where the roads are, indicate where the active cell fill is occurring, indicate where the open faces are, indicate any structural storm water controls, indicate discharge point, indicate western diversion system, indicate where swales are located, indicate specific BMP implementation, indicate historical spill location and fails to indicate any/all storm drainage system inlets and discharge points All figures must be fully detailed, descriptive and demonstrate physical features as well as BMP implementation.

WMH Response: WMH will update Figures 2-3 to 2-4C as stated in response to Comment #13 to add references, as applicable to where: construction is actively occurring, machinery and laydown areas, permanent drainage swales, final cover, erosion control BMPs sediment control BMPs, any treatment BMPs, active areas and roadways. The Figures currently reflect the

structural storm water controls, discharge point, western diversion system and storm drainage system inlets and discharge points.

Comment 23. Section 3.0 - Overall the section does not clearly define what discharges are allowable and what discharges are prohibited. There is no definition for "nonstorm water discharges" appropriate for use in the SWPCP. The issued NGPC does not authorize all discharges resulting from precipitation as implied nor does it authorize discharges of wastewater or contaminated storm water from WGS. This section should detail potential prohibited discharges and explicitly detail BMPs to be implemented to eliminate all prohibited discharges.

WMH Response: WMH believes this is a general comment referring to Section 3.0 Non Storm Water Elimination and Prevention Program. Comments and responses below will address the specific issues with this section. WMH will revise Section 3.0 to add detail to potential sources of non-storm water discharges and the BMPs in place to prevent or minimize a discharge.

Comment 24. Section 3.1- Paragraph 1, see above comment. This section needs to be completely re-written for accuracy. This section needs to specifically address discharges and potential for prohibited discharges associated with WGS.

WMH Response: WMH proposes the following language for section 3.1:

"The General Permit does not authorize any non-storm water discharges and prohibits non-storm water discharges and/or discharges that contain toxic pollutants (as identified in 40 CFR Part 122 and that exceed the acute water quality standards set forth by HAP 11-54-4 [DOH 2009]). This section identifies potential non-storm water sources, describes BMPs employed including the inspection program to prevent prohibited discharges related to industrial activities from entering the storm water system at the WGS."

Comment 25. Section 3.2- Language in this section appears to be a carryover from a Municipal Separate Storm Sewer System (MS4) plan. This section does not appear highly relevant to WGS unless there are cross connections within the WGS sump plumbing system.

WMH Response: WMH will revise section 3.2 as follows:

"Potential sources of non-stormwater discharges at WGS include leachate seeps, equipment washing, water tank leak, landscape irrigation from non-industrial areas of the facility, direct discharges of leachate or condensate from broken or damaged piping, water used for fire fighting and water that comes in contact with the active disposal areas of the facility. Examples of BMPs implemented to prevent or minimize a release to the storm water conveyance system are outlined below and will be included in its entirety in the SWPCP."

Non-storm water Source	BMP
Leachate seep	<ul style="list-style-type: none">• Inspect the landfill monthly and after a severe storm (2-year, 24-hour storm or greater, or continued significant rainy conditions over duration of 14 days, as set forth in the Solid Waste Permit at section

	<p>II.A.13.b.ii.)</p> <ul style="list-style-type: none"> • When using clay or silty cover soil for daily cover, strip back prior to placing additional waste to prevent leachate blockage to collection system
Equipment washing	<ul style="list-style-type: none"> • Wash heavy equipment in designated areas • Train employees to properly manage rinsate from equipment washing.
Water tank leak	<ul style="list-style-type: none"> • Inspect equipment prior to use to ensure hoses, valves and containers are intact. Report and correct any component with sign of wear or deterioration. • Comply with preventative maintenance schedule for equipment
Irrigation water	<ul style="list-style-type: none"> • Inspect irrigation system quarterly for signs of wear or deterioration of key components.
	<ul style="list-style-type: none"> •

Comment 26. Section 3.2.1- Paragraph 1 uses ambiguous language such as “as appropriate” and does not identify where any of the BMP strategies will be applied. The section is not site specific and is vague in its implementation language.

WMH Response: WMH will strike section 3.2.1. Instead this discussion will be incorporated into section 3.2.

Comment 27. Section 3.3- This section again does not appear appropriate for WGSL. This section prescribes visual observations of the storm water conveyance system annually but fails to define when specifically (dry weather) inspection must occur. Language in this section includes statements of “should” which do not provide clear implementable actions for WGSL staff.

WMH Response: WMH will inspect the storm water conveyance system for presence or past indications of non-storm water releases. The section language will be revised as follows:

“Visual observations to detect non-storm water discharges to storm water conveyance systems will be conducted monthly. The observations will be conducted on a day preceded by three days of dry weather and consist of the following:

- Review of BMP implementation for each potential source
- Inspect nonstorm water equipment, review maintenance records and follow-up on corrective actions
- Inspect facility for signs of past non-storm water releases”

Comment 28. Section 3.3.2- Paragraph 1 uses vague language such as, “to the extent possible.” Vague and ambiguous language makes the SWPCP ambiguous and the SWPCP un-implementable.

WMH Response: WMH proposes to strike section 3.3.1 and revise 3.3.2 to strike “to the extent possible. Additionally WMH proposes to add, “If a non-storm water discharge is observed, the

source will be determined and immediately eliminated and preventative measures put in place to prevent recurrence.”

Comment 29. Section 3.3.2.2- Non-storm water/prohibited discharges should be immediately eliminated, not just sampled.

WMH Response: WMH proposes to delete Section 3.3.2.2

Comment 30. Section 3.3.3- See comment 29.

WMH Response: WMH proposes to delete Section 3.3.3

Comment 31. Section 4.0- Paragraph 1 states that “The storm water BMPs will be evaluated for effectiveness,” but fails to define what effective means. Paragraph 1 uses vague and ambiguous language and makes no definitive statements. Paragraph 1 fails to state that erosion control BMPs will be used to address sediment discharges which is one of the major storm water pollutants associated with WGS.

WMH Response: The SWPCP will be updated to describe the methods used by WMH to evaluate the storm water BMP effectiveness – namely, review of stormwater analytical results against applicable benchmarks and routine inspections. The storm water sampling results will be compared to the permit effluent limits. If a constituent exceeds the permit limit, the existing BMPs will be evaluated for effectiveness and a new BMP will be implemented. Additionally, all areas are reviewed annually, prior to the wet season, to determine the appropriate soil and erosion BMP for each area. The erosion and control BMPs are inspected on a semi-annual basis to ensure they are in place as designed.

Comment 32. Section 4.1- Paragraph 1 needs to define “reasonable potential to contribute pollutants ... and state how often site inspections will be conducted. A SPCC plan is referenced but specific BMPs addressing the potential pollutants considered in the SPCC plan is not incorporated into the SWPCP. This comment is consistent with the multiple comments above regarding referencing secondary documents as part of the SWPCP.

WMH Response: WMH proposes to delete the first paragraph of Section 4.1, which deals with inspections and add a new section to the SWPCP to address inspections. As noted above in response to Comment #21, WMH respectfully notes that it is accepted, even recommended practice, to incorporate the SPCC and other submittal by reference in the SWPCP. Nonetheless, WMH will attach a copy of the current SPCC Plan to the SWPCP.

Comment 33. Section 4.1.1 - This section fails to detail erosion control BMPs which are [sic] will be required anywhere there is intermediate cover of areas untouched for more than 14 days. There are no details regarding the berms and grading in the “working face” areas of the landfill which are designed to prevent discharges of contaminated storm water. This section fails to define any storm water which contacts solid waste as being prohibited to discharge.

WMH Response: WMH’s Solid Waste Permit requires WMH to place intermediate cover on inactive waste areas that do not receive solid waste within a 30-day period. WMH is not aware of the 14-day cover requirement mentioned in Comment #33, but will review any information

that DOH can provide as to this requirement. Erosion control measures for areas with intermediate cover will be addressed in Section 4 for areas with only daily cover.

Furthermore, WMH disagrees with DOH's implication that there is a requirement to define "any storm water which contacts solid waste as being prohibited to discharge." The NGPC prohibits the discharge of storm water that has come into contact with pollutants associated with industrial activities, including contact with waste materials, only if those discharges exceed the effluent limits set in the NGPC or otherwise violate the permit. The very purpose of the NGPC is to establish practices and limitations on the discharge of stormwater that has been impacted by industrial activities. The NGPC allows for the discharge of pollutants provided that such discharges comply with the permit requirements, such as BMPs and applicable effluent limits. Under the NGPC, the WGS� is permitted to discharge stormwater associated with industrial activities, even if the stormwater has contacted waste materials, provided those discharges are within the effluent limitations and otherwise comply with the General Permit.

Comment 34. Section 4.1.1- Paragraph 2 does not clearly define BMPs used to address potential storm water contamination by incinerator ash. Do ash areas require different BMPs to prevent storm water contamination?

WMH Response: WMH does not believe the ash disposal area requires different BMPs to prevent storm water contamination from those described for the solid waste working face. As discussed in Comment 33, WMH will revise the plan to clearly state that storm water that comes in contact with the active ash disposal area will be managed to prevent mixing with storm water run-off. To further clarify this point, WMH proposes to modify the second paragraph by moving the last sentence to the beginning of the paragraph, "The active ash working face is graded to prevent storm water run-on and/or run-off should rainfall occur."

Comment 35. Section 4.1.2- Needs to define specific BMPs for ALL roads as the roads are clear storm water conveyances which can contribute significant pollutant loads and cause erosion of cover materials.

WMH Response: WMH will revise Section 4.1.2 to define BMPs for all roads in the footprint of the WGS�; frequently traveled roads and temporary road BMPs will be separately defined. For discussion purposes, BMPs for frequently traveled roads include monthly inspection, grading to drain, erosion repair, and placement of rock/gravel or asphalt on surface. BMPs for temporary roads include, monthly inspection, grading to drain, and erosion repair.

Comment 36. Section 4.1.3- This section references documents outside of the SWPCP and fails to clearly prohibit leach and condensate discharges. No specific BMPs are specified for the activities details.

WMH Response: WMH will revise Section 4.1.3 to strike reference to liner systems and will include a discussion of other BMPs, including grading and/or secondary containment around leachate tanks and monthly inspection.

Comment 37. Section 4.1.4- This section references the SPCC plan which is not part of the SWPCP.

WMH Response: See WMH'S response to Comment #21 above.

Comment 38. Table 4-1- This table must include locations where activities are conducted, specific pollutants associated with each activity, specific BMPs implemented for each activity, location of each BMP, whether discharges from each activity are authorized or not, who is responsible for each activity and maintenance frequencies for each BMP. Table 4-1 is grossly under-detailed and fails to indicate any type of implementation.

WMH Response: Table 4-1 is consistent with – and in fact more detailed than – EPA’s guidance relating to stormwater for landfills under EPA’s Multi-Sector General Permit. See EPA, Fact Sheet: Industrial Stormwater – Sector L: Landfills and Land Application Sites, Table 1A (Dec. 2006) (www.epa.gov/npdes/pubs/sector_1_landfills.pdf). The specific BMPs will be reflected in updated figures in the revised SWPCP.

Comment 39. Section 4.2.1- Erosion control BMP implementation is not detailed. There is not direct relevance of this section without clear definition of where erosion control is implemented.

WMH Response: WMH will provide additional detail in the revised SWPCP.

Comment 40. Section 4.2.3 - This section does not include any descriptions of previous sampling history, history of unauthorized discharges, areas where cover material has failed and storm water has contacted solid waste. This section fails to identify historical areas which may be contaminated and or areas where there have been repeated problems which necessitated corrective action.

WMH Response: Section 4.2.3 is intended to address the requirement in HAR Chapter 11-55 Appendix B, Section 6(a)(5)-(6), which calls for existing information regarding significant leaks or spills or discharges of hazardous pollutants. Section 4.2.3 includes relevant existing historical unauthorized discharges, as required. It would be irrelevant to describe where cover material previously failed and storm water contacted solid waste if no unauthorized discharge occurred.

Comment 41. Section 4.2.4- This section appears redundant when compared to early sections and does not appear applicable to WGS. Inspections should be conducted more often than annually to address the potential for prohibited discharges.

WMH Response: WMH will delete Section 4.2.4. It is addressed in Section 3.

Comment 42. Section 4.3.1- Paragraph 1, Bullet Point 1 indicates that erosion and flagging are part of housekeeping. Erosion and flagging are not housekeeping items and must be addressed in the erosion section.

WMH Response: WMH will revise the bullet points as follows:

- Daily litter picking
- Fluids associated with heavy equipment and vehicle maintenance will be stored in secondary containment or under cover when not in use.
- Spills or stains will be cleaned up to prevent storm water contact.

Comment 43. Section 4.3.1- Paragraph 1, Bullet Points 2 and 3 uses “properly stored” to describe a BMP. “Properly stored” is not defined and is vague and ambiguous.

WMH Response: WMH will revise Section 4.3.1 as described above in response to Comment #42.

Comment 44. Section 4.3.2- This section needs to provide the details of the “preventative maintenance program.”

WMH Response: WMH will include a discussion of the preventative maintenance program in section 4.3.2.

Comment 45. Section 4.3.3.1- Landfill cover will require either grassing or geotextile cover for any area undisturbed for longer than 14 days.

WMH Response: WMH respectfully disagrees with DOH’s comment to Section 4.3.3.1. Pursuant to the Solid Waste Permit, intermediate cover does not require vegetating undisturbed areas for longer than 14 days. WMH requests the regulatory citation for this comment. WMH will however identify erosion control BMPs as discussed in response to comment # 39

Comment 46. Section 4.3.3.1- Must define “routinely” and set inspection dates and frequencies. Must define what “maintenance” is as well as “as needed.”

WMH Response: WMH will revise to state that exposed refuse will be repaired by blading and trackwalking using heavy equipment and the cover integrity inspected monthly.

Comment 47. Section 4.3.3.3- Must define “inspection routinely” and specify BMPs implemented as well as BMP location and maintenance.

WMH Response: WMH will reference monthly frequency for inspection and provide discussion of maintenance for access roads. The BMPs are discussed in response to comment 35. Maintenance would be grading with heavy equipment and replacement of gravel/paving to ensure road is in good shape and properly draining.

Comment 48. Section 4.3.4- Must provide specific details regarding expansion, what construction BMPs are implemented, drainage details and construction schedule accompanied by specific BMP implementation. A reference to the Surface Water Management Plan cannot be made. Specifics for SWPCP purposes must be detailed and included in their entirety.

WMH Response: WMH will strike this section because it is redundant with other sections in the SWPCP. Erosion control BMPs will be fully detailed in the revised Section 4.2.1 and BMPS associated with landfill construction activities will be included in the revised Table 4.1.

Comment 49. Section 5.2- Must define explicit changes or activities which trigger SWPCP revision.

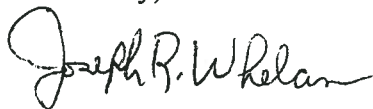
WMH Response: See WMH’s response to Comment #12 above.

* * *

WMH has tried to address each of DOH’s specific comments above. In most responses, WMH has identified changes that it proposes to make to the SWPCP. If DOH concurs with WMH’s responses

and proposed revisions, please let me know and we will prepare the revised SWPCP and resubmit the revised plan to DOH within 30 days after receipt of your concurrence. If, however, DOH disagrees with WMH's responses, WMH would like the opportunity to meet with DOH to discuss and resolve any remaining issues before completing the revision to the SWPCP. We believe that such an approach will help to expedite completion of the SWPCP to DOH's satisfaction,

Sincerely,

A handwritten signature in black ink, reading "Joseph R. Whelan". The signature is fluid and cursive, with the first name "Joseph" and last name "Whelan" clearly legible.

Joseph R. Whelan
General Manager

Enclosure

cc: *via e-mail only*

Mike Tsuji – Department of Health

Edward G. Bohlen, Deputy Attorney General

Dana Viola – City & County of Honolulu

[Response to DOH Comments on WGSL Stormwater Plan rv0 \(12/6/12\)](#)